

**IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
FAYETTEVILLE DIVISION**

IN RE:

BOBBY MCDANIEL

CHAPTER 13

CASE NO. 12-08102-8-DMW

S.S. xxx-xx-6002

Mailing Address: 1601 West Main Street, Clinton, NC 28328-

DEBTOR

**APPLICATION TO INCUR DEBT
(For The Purpose of Purchasing or Leasing a Motor Vehicle)**

NOW COMES the Debtor, by and through counsel undersigned, and in accordance with Local Bankruptcy Rule 4002-1(f)(4), EDNC, who hereby applies for permission to incur debt for the purpose of procuring a motor vehicle, and in support hereof, the following is alleged:

1. The Debtor filed a petition for relief under Chapter 13 of the Bankruptcy Code on November 13, 2012.
2. The Debtor requires another motor vehicle for the following reason:
 - a. The Debtor's 2006 Nissan Xterra broke down and is not working. The vehicle is not worth enough to justify the expense of the repairs. The Debtor needs dependable transportation. The Debtors wife was originally used the 2006 Nissan Xterra as transportation but the 1994 Chevrolet Pickup broke down so the Debtor started to drive the Nissan after his wife purchased a vehicle in her name.
3. The Debtor has reason to believe that dependable transportation can be obtained upon terms that shall not exceed the following (exclusive of the cost of insurance):

a. Amount of the new loan:	\$23,538.00
b. Interest rate for the new loan:	16.2%
c. Monthly payment for the new loan:	\$534.64
4. The Debtor can afford the said cost of another vehicle based on the following:
 - a. The Debtor is surrendering the 2006 Nissan Xterra which is presently being paid for "inside" the Chapter 13 plan. The Debtor intends to forthwith take the steps necessary to modify, and thereby lower, the Chapter 13 plan payment. Modifying the plan will free up approximately \$339.00 per month, that the Debtor can then use to help pay for the cost of the new transportation.
 - b. The Debtors wife is now bringing home approximately \$195.64 per month more income than at the date of this filing of this Chapter 13 case.
5. By reason of the foregoing, the Debtor believes that this new expense will not operate a hardship upon him, and that the new expense will not hinder his ability to complete his Chapter 13 plan.

6. It is therefore in the best interest of the bankruptcy estate to allow the Debtor to purchase or lease, and finance, another motor vehicle, inasmuch as transportation to and from work, and elsewhere, must be deemed necessary for his performance under this Chapter 13 plan.

7. Attorney for the Debtor further applies, in accordance with Bankruptcy Rule 2016(b) and Local Rule 2016-1(a)(4), for approval of an attorney fee in the amount of \$200.00 to compensate for the reasonable value of the services rendered in processing this Application To Incur Debt. The amount applied for is the "presumptive" amount set forth in said Local Rule. Said attorney has provided the Debtor with a copy of said Local Rule.

WHEREFORE, the Debtor respectfully prays that this Court authorize him to incur debt for the purpose of purchasing or leasing a motor vehicle upon terms that shall not exceed the following (exclusive of the cost of insurance):

- | | |
|--------------------------------------|-------------|
| a. Amount of the new loan: | \$23,538.00 |
| b. Interest rate for the new loan: | 16.2% |
| c. Monthly payment for the new loan: | \$534.64 |

and approve an additional attorney fee in the amount of \$200.00, to be paid by the Chapter 13 Trustee as an administrative expense.

Dated: January 4, 2016

LAW OFFICES OF JOHN T. ORCUTT, P.C.

s/ John T. Orcutt

John T. Orcutt

Attorney for Debtor

N.C. State Bar No. 10212

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CERTIFICATE OF SERVICE

I, Kelly Cox, of the Law Offices of John T. Orcutt, P.C., do hereby certify, under penalty of perjury, that I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age; and that on this day, I served copies of the foregoing **APPLICATION TO INCUR DEBT** (including application for additional attorney fee) and proposed **AUTHORIZATION**, by automatic electronic noticing, upon the following parties:

Joseph A. Bledsoe, III, Chapter 13 Trustee
Bankruptcy Administrator

and by regular United States mail, upon the following parties:

BOBBY MCDANIEL
1601 West Main Street
Clinton, North Carolina 28328-

Dated: January 4, 2016

s/ Kelly Cox

Kelly Cox